

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

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| In the Matter of: |) | DOCKET NUMBER: 04-2009-9188 |
| |) | |
| ST. THOMAS UNIVERSITY |) | Proceeding under the |
| 16401 Northwest 37 th Avenue |) | Clean Air Act, 42 U.S.C. §§ 7401 to 7671q; |
| Miami Gardens, Florida 33054 |) | Clean Water Act, 33 U.S.C. §§ 1251 to 1387; |
| |) | Resource Conservation and Recovery Act, |
| |) | 42 U.S.C. §§ 6901 to 6992k; |
| |) | Emergency Planning and Community Right-to- |
| |) | Know Act, 42 U.S.C. §§ 11001 to 11050; |
| RESPONDENT |) | and |
| |) | Federal Insecticide, Fungicide, and Rodenticide |
| |) | Act, 7 U.S.C. §§ 136 to 136y |
| |) | |

NOTICE OF DETERMINATION

Pursuant to the United States Environmental Protection Agency (EPA) policy on "Incentives for Self-Policing: Discovery, Disclosure, Correction, and Prevention of Violations," 65 *Fed. Reg.* 19618 (April 11, 2000) (Audit Policy), EPA Region 4 hereby issues this Notice of Determination (NOD) for violations disclosed to the EPA by St. Thomas University at its campus located in Miami Gardens, Florida.

AUDIT POLICY

The EPA issued the Audit Policy to encourage regulated entities to conduct voluntary compliance evaluations, and to disclose and promptly correct any discovered violations. Where the disclosing party establishes that it satisfies all nine of the following conditions as set forth in the Audit Policy, the EPA will not seek gravity-based penalties for violations of federal environmental requirements: 1) discovery of the violation(s) through an environmental audit or compliance management system; 2) voluntary disclosure; 3) prompt disclosure; 4) discovery and disclosure independent of government or third-party plaintiffs; 5) correction and remediation; 6) prevent recurrence; 7) no repeat violations; 8) other violations excluded; and 9) cooperation. The EPA retains its discretion to recover any economic benefit gained as a result of noncompliance.

AUDIT AGREEMENT

St. Thomas University and EPA entered into an "Audit Agreement By and Between the Associations of Independent Colleges and Universities of Region 4, Participating Colleges and The United States Environmental Protection Agency" on June 22, 2007 (Agreement). The Agreement modifies Condition 1 of the Audit Policy by allowing for a trained peer group or a contractor to conduct an initial audit, and allows a subsequent 24-month grace period in which to commence an audit system or Environmental Management System (EMS) to facilitate compliance with applicable environmental laws; and modifies Condition 3 to allow the disclosure to occur within 21 days of St. Thomas University's receipt of its peer audit report.

FINDINGS OF FACT

On June 1, 2009, St. Thomas University disclosed to EPA potential violations of the Clean Air Act (CAA), the Clean Water Act (CWA), the Emergency Planning and Community Right-to-Know Act (EPCRA), the Resource Conservation and Recovery Act (RCRA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The disclosures determined by the EPA to be violations were corrected by July 10, 2009 and are listed in Attachment A. The EPA determined that the disclosure listed in Attachment B was not a violation. Consistent with the purposes of the Audit Policy and the Agreement, St. Thomas University has implemented ongoing programs, protocols and procedures to ensure compliance and prevent recurrence.

DETERMINATION

Pursuant to the Audit Policy and Agreement, and based on information provided by St. Thomas University, the EPA makes the following final determination for the federally-enforceable violations identified in Attachment A: St. Thomas University did violate the regulations cited in Attachment A; however, St. Thomas University's disclosure met the conditions of the Audit Policy and Agreement for a waiver of any gravity-based penalties for these violations. In addition, for purposes of this self-disclosure, the EPA has determined that the economic benefit that may have been gained as a result of these violations is either zero or insignificant and does not warrant recovery.

8/21/11
Date

Mary J. Wilkes for
Mary J. Wilkes, Regional Counsel and Director
Office of Environmental Accountability
U.S. Environmental Protection Agency, Region 4

ATTACHMENT A
Disclosed Violations Determined to be Violations

The following 73 violations disclosed by St. Thomas University are federally enforceable violations:

Clean Air Act (Violations No. 1 and 2)

40 C.F.R. § 82.166

Clean Water Act (Violations No. 3-17)

40 C.F.R. § 403.5(a)

40 C.F.R. § 112.7(f)

40 C.F.R. § 112.7(e)

40 C.F.R. § 112.3

40 C.F.R. § 112.12(c)(2)

40 C.F.R. § 112.7(k)

40 C.F.R. § 112.8(c)(2)

Emergency Planning & Community Right-to-Know Act (Violations No. 18 thru 23)

Violation No. 18

40 C.F.R. § 370.20

40 C.F.R. § 370.40

40 C.F.R. § 370.41

40 C.F.R. § 370.42

40 C.F.R. § 370.43

40 C.F.R. § 370.44

40 C.F.R. § 370.45

Violation No. 19

40 C.F.R. § 355.11

40 C.F.R. § 355.12

40 C.F.R. § 355.13

40 C.F.R. § 355.14

40 C.F.R. § 355.15

40 C.F.R. § 355.16

40 C.F.R. § 355.17

40 C.F.R. § 355.18

40 C.F.R. § 355.19

40 C.F.R. § 355.20

40 C.F.R. § 355.21

Violation 20

40 C.F.R. § 370.20

40 C.F.R. § 370.30

40 C.F.R. § 370.31

40 C.F.R. § 370.32

40 C.F.R. § 370.33

Violation 21

40 C.F.R. § 370.20

40 C.F.R. § 370.40
40 C.F.R. § 370.41
40 C.F.R. § 370.42
40 C.F.R. § 370.43
40 C.F.R. § 370.44
40 C.F.R. § 370.45

Violation 22

40 C.F.R. § 355.10
40 C.F.R. § 355.11
40 C.F.R. § 355.12
40 C.F.R. § 355.13
40 C.F.R. § 355.14
40 C.F.R. § 355.15
40 C.F.R. § 355.16
40 C.F.R. § 355.17
40 C.F.R. § 355.18
40 C.F.R. § 355.19
40 C.F.R. § 355.20
40 C.F.R. § 355.21

Violation 23

40 C.F.R. § 370.20
40 C.F.R. § 370.30
40 C.F.R. § 370.31
40 C.F.R. § 370.32
40 C.F.R. § 370.33

Resource Conservation and Recovery Act (Violations No. 25 thru 74)

40 C.F.R. § 21.2(f)
40 C.F.R. § 261.5(g)(1)
40 C.F.R. § 261.5(g)(3)
40 C.F.R. § 261.7
40 C.F.R. § 262.11
40 C.F.R. § 262.12
40 C.F.R. § 262.34(d)(5)(i)
40 C.F.R. § 262.34(d)(5)(ii)
40 C.F.R. § 262.34(d)(5)(iii)
40 C.F.R. § 265.37
40 C.F.R. § 265.174
40 C.F.R. § 273.11(a)
40 C.F.R. § 273.13(d)(1)
40 C.F.R. § 273.13(d)(2)
40 C.F.R. § 273.14(a)
40 C.F.R. § 273.14(d)(1)
40 C.F.R. § 273.14(e)
40 C.F.R. § 273.15(c)
40 C.F.R. § 273.16

ATTACHMENT B
Disclosed Violation Determined NOT to be a Violation

The following 1 violation disclosed by St. Thomas University is NOT a federally enforceable violation:

Federal Insecticide, Fungicide and Rodenticide Act (Violation 24)
40 C.F.R. § 171.3

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

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| In the Matter of: |) | DOCKET NUMBER: 04-2009-9244 |
| |) | |
| FREED-HARDEMAN UNIVERSITY |) | Proceeding under the |
| 158 East Main Street, |) | Clean Water Act, 33 U.S.C. §§1251 to 1387; |
| Henderson, Tennessee 38340 |) | Resource Conservation and Recovery Act, |
| |) | 42 U.S.C. §§ 6901 to 6992k; |
| |) | Emergency Planning and Community Right- |
| |) | to-Know Act, 42 U.S.C. §§ 11021 to 11022; |
| |) | and |
| |) | Toxic Substances Control Act, 15 U.S.C. §§ |
| |) | 2601 to 2695d |
| RESPONDENT |) | |
| |) | |
| |) | |

NOTICE OF DETERMINATION

Pursuant to the United States Environmental Protection Agency (EPA) policy on "Incentives for Self-Policing: Discovery, Disclosure, Correction, and Prevention of Violations," 65 *Fed. Reg.* 19618 (April 11, 2000) (Audit Policy), EPA Region 4 hereby issues this Notice of Determination (NOD) for violations disclosed to the EPA by Freed-Hardeman University at its campus located in Henderson, Tennessee.

AUDIT POLICY

The EPA issued the Audit Policy to encourage regulated entities to conduct voluntary compliance evaluations, and to disclose and promptly correct any discovered violations. Where the disclosing party establishes that it satisfies all nine of the following conditions as set forth in the Audit Policy, the EPA will not seek gravity-based penalties for violations of federal environmental requirements: 1) discovery of the violation(s) through an environmental audit or compliance management system; 2) voluntary disclosure; 3) prompt disclosure; 4) discovery and disclosure independent of government or third-party plaintiffs; 5) correction and remediation; 6) prevent recurrence; 7) no repeat violations; 8) other violations excluded; and 9) cooperation. The EPA retains its discretion to recover any economic benefit gained as a result of noncompliance.

AUDIT AGREEMENT

Freed-Hardeman University and EPA entered into an "Audit Agreement By and Between the Associations of Independent Colleges and Universities of Region 4, Participating Colleges and The United States Environmental Protection Agency" on June 22, 2007 (Agreement). The Agreement modifies Condition 1 of the Audit Policy by allowing for a trained peer group or a contractor to conduct an initial audit, and allows a subsequent 24-month grace period in which to commence an audit system or Environmental Management System (EMS) to facilitate

ATTACHMENT A
Disclosed Violations Determined to be Violations

The following 55 violations disclosed by Freed-Hardeman University are federally enforceable violations:

Clean Water Act (Violations No. 1 thru 5)

40 C.F.R. § 403.5(a)

Spill Prevention Control and Countermeasures (Violations No. 6 thru 9)

40 C.F.R. § 112

Emergency Planning & Community Right-to-Know Act (Violations No. 10 and 11)

40 C.F.R. § 370

Resource Conservation and Recovery Act (Violations No. 12 thru 45)

40 C.F.R. § 261.7

40 C.F.R. § 262.11

40 C.F.R. § 262.30

40 C.F.R. § 262.31

40 C.F.R. § 262.32

40 C.F.R. § 262.34(c)(1)(ii)

40 C.F.R. § 262.34(d)(5)(ii)

40 C.F.R. § 262.34(d)(5)(iii)

40 C.F.R. § 265.37

40 C.F.R. § 273.11(a)

40 C.F.R. § 273.13(a)(1)

40 C.F.R. § 273.13(d)(1)

40 C.F.R. § 273.13(d)(2)

40 C.F.R. § 273.14(e)

40 C.F.R. § 273.15(c)

40 C.F.R. § 273.16

40 C.F.R. § 279.22(a)

40 C.F.R. § 279.22(c)

Spill Prevention Control and Countermeasures (Violation No. 46)

40 C.F.R. § 112

Toxic Substances Control Act (Violations 47 thru 55)

40 C.F.R. § 745.107(a)(1)

40 C.F.R. § 745.107(a)(2)

40 C.F.R. § 745.107(a)(4)

40 C.F.R. § 745.113(b)(1)

40 C.F.R. § 745.113(b)(2)

40 C.F.R. § 745.113(b)(3)

40 C.F.R. § 745.113(b)(4)

40 C.F.R. § 745.113(b)(6)

40 C.F.R. § 745.113(c)(1)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

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| In the Matter of: |) | |
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| HUNTINGTON COLLEGE |) | DOCKET NUMBER: 04-2009-9210 |
| 1500 East Fairview Avenue |) | |
| Montgomery, Alabama 36106 |) | Proceeding under the Federal Water |
| |) | Pollution Control Act (Clean Water Act), |
| |) | 33 U.S.C. §§ 1251 to 1387; Resource |
| |) | Conservation and Recovery Act, 42 U.S.C. |
| |) | §§ 6901 to 6992k; and Toxic Substances |
| |) | Control Act, 15 U.S.C. §§ 2601 to 2692 |
| |) | |

NOTICE OF DETERMINATION

Pursuant to the United States Environmental Protection Agency (EPA) policy on "Incentives for Self-Policing: Discovery, Disclosure, Correction, and Prevention of Violations," 65 *Fed. Reg.* 19618 (April 11, 2000) (Audit Policy), EPA Region 4 hereby issues this Notice of Determination (NOD) on violations disclosed to the EPA by Huntington College at its campus located in Montgomery, Alabama.

AUDIT POLICY

The EPA issued the Audit Policy to encourage regulated entities to conduct voluntary compliance evaluations and to disclose and promptly correct any discovered violations. As an incentive for companies to undertake self-policing, self-disclosure, and self-correction of violations, the EPA may substantially reduce or eliminate gravity-based civil penalties; however, the EPA retains its discretion to recover any economic benefit gained as a result of noncompliance. Where the disclosing party establishes that it satisfies all of the conditions listed below, as set forth in the Audit Policy, the EPA will not seek gravity-based penalties for violations of federal environmental requirements: 1) discovery of the violation(s) through an environmental audit or compliance management system; 2) voluntary disclosure; 3) prompt disclosure; 4) discovery and disclosure independent of government or third-party plaintiffs; 5) correction and remediation; 6) prevent recurrence; 7) no repeat violations; 8) other violations excluded; and 9) cooperation.

FINDINGS OF FACT

In a June 25, 2009, letter to the EPA, Huntington College disclosed potential violations of the Clean Air Act, 42 U.S.C. §§ 7401 to 7671q; Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. §§ 1251 to 1387; Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 to 6992k; and Toxic Substances Control Act, 15 U.S.C. §§ 2601 to 2692. The disclosures determined by the EPA to be violations were corrected by September 2, 2009, following one EPA-approved extension, and are listed in Attachment A.

The disclosures determined by the EPA not to be violations of any federally enforced regulations are listed in Attachment B.

DETERMINATION

Pursuant to the Audit Policy, and based on information provided by Huntington College, the EPA makes the following final determination for the federally enforceable violations as identified above: the College did violate the regulations cited in Attachment A; however, the self-disclosure met the conditions of the Audit Policy for 100 percent elimination of the gravity-based penalties for these violations. Thus, the EPA will not seek gravity-based penalties for these violations. In addition, for purposes of this disclosure, the EPA will not seek the economic benefit portion of the penalties.

Consistent with the purposes of the Audit Policy, and as agreed to in its disclosure and in the June 22, 2007, Audit Agreement, the EPA expects the facility to institute, on a continuing and campus-wide basis, the internal policies and procedures necessary to prevent recurrence of violations of environmental requirements.

8/5/14
Date

Mary J. Wilkes for 8/5/14
Mary J. Wilkes, Regional Counsel and Director
Office of Environmental Accountability
U.S. Environmental Protection Agency, Region 4

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

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| In the Matter of: |) | DOCKET NUMBER: 04-2010-9139 |
| |) | |
| GEORGIA MILITARY COLLEGE |) | Proceeding under the |
| 201 E. Greene Street |) | Clean Water Act, 33 U.S.C. §§ 1251 to 1387; |
| Milledgeville, Georgia 31061 |) | Resource Conservation and Recovery Act, |
| |) | 42 U.S.C. §§ 6901 to 6992k; and Toxic Substances |
| |) | Control Act, 15 U.S.C. §§ 2601 – 2695 |
| RESPONDENT |) | |
| |) | |

NOTICE OF DETERMINATION

Pursuant to the United States Environmental Protection Agency (EPA) policy on “Incentives for Self-Policing: Discovery, Disclosure, Correction, and Prevention of Violations,” 65 *Fed. Reg.* 19618 (April 11, 2000) (Audit Policy), EPA Region 4 hereby issues this Notice of Determination (NOD) for violations disclosed to the EPA by Georgia Military College at its campus located in Milledgeville, Georgia.

AUDIT POLICY

The EPA issued the Audit Policy to encourage regulated entities to conduct voluntary compliance evaluations, and to disclose and promptly correct any discovered violations. Where the disclosing party establishes that it satisfies all nine of the following conditions as set forth in the Audit Policy, the EPA will not seek gravity-based penalties for violations of federal environmental requirements: 1) discovery of the violation(s) through an environmental audit or compliance management system; 2) voluntary disclosure; 3) prompt disclosure; 4) discovery and disclosure independent of government or third-party plaintiff; 5) correction and remediation; 6) prevent recurrence; 7) no repeat violations; 8) other violations excluded; and 9) cooperation. The EPA retains its discretion to recover any economic benefit gained as a result of noncompliance.

AUDIT AGREEMENT

Georgia Military College and the EPA entered into an “Audit Agreement By and Between the Association of Independent Colleges and Universities of Region 4, Participating Colleges and The United States Environmental Protection Agency” on June 22, 2007 (Agreement). The Agreement modifies Condition 1 of the Audit Policy by allowing for a trained peer group or a contractor to conduct an initial audit, and allows a subsequent 24-month grace period in which to commence an audit system or Environmental Management System (EMS) to facilitate compliance with applicable environmental laws; and modifies Condition 3 to allow the disclosure to occur within 21 days of Georgia Military College’s receipt of its peer audit report.

FINDINGS OF FACT

On February 9, 2010, Georgia Military College disclosed to EPA potential violations of the Clean Water Act (CWA), the Resource Conservation and Recovery Act (RCRA), and the Toxic Substances Control Act (TSCA). The disclosures determined by the EPA to be violations were corrected by March 21, 2010

ATTACHMENT A
Disclosed Violations Determined to be Federal Violations

The following violations disclosed by Georgia Military College are federally enforceable violations:

Clean Water Act (Violation No. 1-4)

40 C.F.R. § 112.7
40 C.F.R. § 112.7(e)
40 C.F.R. § 112.7(f)
40 C.F.R. § 403.5(a)

Resource Conservation and Recovery Act and Oil Pollution Act (Violation No. 5-15)

40 C.F.R. § 261.7
40 C.F.R. § 262.11
40 C.F.R. § 273.13(d)(1)
40 C.F.R. § 273.14(e)
40 C.F.R. § 273.15(c)
40 C.F.R. § 273.16

Toxic Substances Control Act (Violation No. 16-27)

40 C.F.R. § 745.107(a)(1)
40 C.F.R. § 745.107(a)(2)
40 C.F.R. § 745.107(a)(4)
40 C.F.R. § 745.113(b)(1)
40 C.F.R. § 745.113(b)(2)
40 C.F.R. § 745.113(b)(3)
40 C.F.R. § 745.113(b)(4)
40 C.F.R. § 745.113(b)(6)
40 C.F.R. § 763.122(b)
40 C.F.R. § 763.85
40 C.F.R. § 763.93

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

| | | |
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| In the Matter of: |) | DOCKET NUMBER: 04-2008-9238 |
| |) | |
| Mercer University: |) | Proceeding under Section 113 of the Clean |
| |) | Air Act, 42 U.S.C. § 7413, Section 309 of the |
| - Main Campus |) | Clean Water Act, 33 U.S.C. § 1319, |
| 1400 Coleman Avenue |) | Section 325 of the Emergency Planning and |
| Macon, Georgia 31207 |) | Community Right-to-Know Act, 42 U.S.C. |
| |) | § 11045, Section 3008 of the Resource |
| - Walter F. George School of Law |) | Conservation and Recovery Act, 42 U.S.C. |
| 1021 Georgia Avenue |) | § 6928, and Section 409 of the Toxic |
| Macon, Georgia |) | Substances Control Act, 15 U.S.C. § 2689. |
| |) | |
| - Mercer Engineering Research Center |) | |
| 135 Osgian Boulevard |) | |
| Warner Robins, Georgia 31088 |) | |
| |) | |
| Respondent |) | |

NOTICE OF DETERMINATION

Pursuant to the Environmental Protection Agency (EPA) policy regarding "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations" (Audit Policy), 65 *Fed. Reg.* 19618 (April 11, 2000), EPA hereby issues this Notice of Determination (NOD) on violations disclosed to EPA by Mercer University for three of its campuses, including (1) Main Campus, Macon, Georgia; (2) Walter F. George School of Law Campus, Macon, Georgia; and (3) Mercer Engineering and Research Center Campus, Warner Robins, Georgia (hereinafter, Mercer University).

AUDIT POLICY

EPA issued the Audit Policy to encourage regulated entities to conduct voluntary compliance evaluations and to disclose and promptly correct violations. As an incentive for companies to undertake self-policing, self-disclosure, and self-correction of violations, EPA may substantially reduce or eliminate gravity-based civil penalties; however, EPA retains its discretion to recover any economic benefit gained as a result of noncompliance.

Where the disclosing party establishes that it satisfies all nine of the conditions as set forth in the Audit Policy, EPA will not seek gravity-based penalties for violations of federal environmental requirements. The conditions include: (1) discovery of the violation(s) through an environmental audit or compliance management system; (2) voluntary disclosure; (3) prompt disclosure; (4) discovery and disclosure independent of government or third party plaintiff; (5) correction and remediation; (6) prevention of recurrence; (7) no repeat violations; (8) other violations excluded; and (9) cooperation.

FINDINGS OF FACT

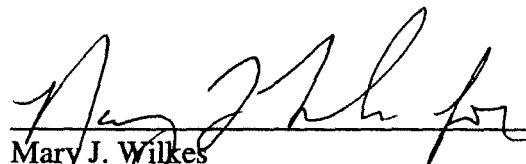
In an August 26, 2008, letter to EPA, Mercer University disclosed the violations listed in Attachment A to this NOD, and incorporated herein by reference. They included violations of the Clean Air Act (CAA), 42 U.S.C. §§ 7401 to 7671q; Clean Water Act (CWA), 33 U.S.C. §§ 1251 to 1387; Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. §§ 11001 to 11050; Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 to 6992k; and Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2601 to 2692. On April 27, 2009, Mercer University submitted a Final Compliance Report, which contained additional information, including the corrective actions taken to bring the University back into compliance.

FINAL DETERMINATION

Pursuant to the Audit Policy and based on information provided by Mercer University, EPA makes the following final determination for the disclosure identified above: the Mercer University self-disclosure meets the conditions of the EPA Audit Policy for 100 percent elimination of gravity-based penalties for violations of the CAA, CWA, EPCRA, RCRA, and TSCA. EPA will not seek gravity-based penalties for these violations. In addition, for purposes of this disclosure, EPA will not seek the economic benefit portion of the penalty.

Consistent with the purposes of the Audit Policy, EPA expects the Mercer University to institute, on a continuing and institutional basis, the internal policies and procedures necessary to prevent recurrence of violations of environmental requirements.

1/11/2011
Date


Mary J. Wilkes
Regional Counsel and Director
Office of Environmental Accountability
EPA, Region 4

Attachment

Mercer University – Macon Campus, Macon, Georgia
Docket Number: 04-2009-9127
Self-Disclosure Violations Covered by Notice of Determination

The following list of violations are recognized by this Notice of Determination as meeting the terms of the EPA policy regarding “Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations,” 65 *Fed. Reg.* 19618 (April 11, 2000); and the Region 4 “College and University Compliance Incentive Initiative.”

- A. Clean Air Act, 42 U.S.C. §§ 7401 to 7671q.
1. 40 C.F.R. § 52.570(c), failure to maintain log of hours of operation and/or fuel usage for emergency generators; 9 total violations, including: Auxiliary Services Building Plant (2), Engineering School (1), Engineering Research Center (1), Law School (1), Medical School (1), Stetson Building (1), Tarver Library (1), University Center (1).
- B. Clean Water Act, 33 U.S.C. §§ 1251 to 1387.
2. 40 C.F.R. § 112.3, failure to have a Spill Prevention Control and Countermeasure Plan (SPCC) for the facility; 1 violation, campus-wide.
 3. 40 C.F.R. § 112.7(e), failure to maintain written records of inspections and tests; 1 violation, campus-wide.
 4. 40 C.F.R. § 112.7(f), failure to train oil-handling personnel; 1 violation, campus-wide.
 5. 40 C.F.R. § 112.7(g)(1)-(5), failure to provide adequate security to prevent unauthorized access to oil storage areas; 1 violation, Physical Plant.
 6. 40 C.F.R. § 112.8(c), failure to provide adequate secondary containment structures for bulk storage containers (tanks); 4 total violations, including: campus-wide (1), Connell Student Center (1), Physical Plant (1), and University Center Kitchen (1).
 7. 40 C.F.R. § 403.12(p), failure to adequately notify Publically Owned Treatment Works (POTW) of discharge of hazardous waste; 8 total violations, including: Hardman Fine Arts Building 100(1), Law School (1), Mercer Police (1), Willet Science Center (4), and Willingham Hall (1).
- C. Emergency Planning and Community Right to Know Act, 42 U.S.C. §§ 1101 to 11050.
8. EPCRA, § 312 and 40 C.F.R. §§ 370.40, 370.42, failure to prepare and submit Tier II hazardous chemical inventory forms to the State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC) and local fire department fore diesel fuel stored in excess of 10,000 pounds for three years; 3 total violations, campus-wide.
 9. EPCRA, § 311 and 40 C.F.R. §§ 370.20, 370.21 and 370.40, failure to submit MSDS or list of chemicals for hazardous chemicals present in threshold quantities (diesel fuel oil) to the SERC, LEPC and local fire department, 3 years; 3 total violations, campus-wide.

D. Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 to 6992k.

10. 40 C.F.R. §§ 261.5(f) and 262.12, failure to notify of change in status from Small Quantity Generator to Large Quantity Generator based on storing more than 2.2 pounds of extremely hazardous waste on site at any given time; 1 violation, campus wide.
11. 40 C.F.R. § 262.11, failure to conduct hazardous waste determination; 46 total violations, including: campus-wide (1), Medical School (6), Willet Science Center (20), Engineering School (3), Engineering Research Center (2), Environmental Science Building (1), Hardman Fine Arts Building (3), Law School (2), Science and Engineering Building (7), University Center Rifle Range (1).
12. 40 C.F.R. § 262.27, failure to have a waste reduction plan for the campus/facility; 1 violation, campus-wide.
13. 40 C.F.R. § 262.34(a), failure properly label containers used to store hazardous waste; 8 total violations, including: Willet Science Center (4), and Medical School (4).
14. 40 C.F.R. § 262.34(c), failure to date, label, and store hazardous waste in centralized accumulation area; 18 total violations, including: Engineering School (1), Environmental Science Building (1), Hardman Fine Arts Building (5), Willet Science Center (11).
15. 40 C.F.R. § 264.11, failure to properly handle acetone; 1 violation, Willet Science Center.
16. 40 C.F.R. § 265.16, failure to provide adequate employee training in the handling of hazardous waste; 3 total violations, Hardman Fine Arts Center.
17. 40 C.F.R. part 265, subpart C, failure to document emergency preparedness protocol; 1 violation, campus-wide.
18. 40 C.F.R. part 265, subpart D, failure to document contingency plans; 1 violation, campus-wide.
19. 40 C.F.R. § 265.55, failure to identify emergency coordinator; 1 violation, campus-wide.
20. 40 C.F.R. § 265.171, failure to store hazardous waste in containers that are in good condition; 1 violation, Medical School.
21. 40 C.F.R. § 265.173, failure to securely close containers holding hazardous waste; 12 total violations, including: Hardman Fine Arts Building (1), Medical School (1), Willet Science Center (10).
22. 40 C.F.R. § 265.174, failure to conduct inspections of areas storing hazardous waste on at least a weekly basis; 4 total violations, including: Medical School (1), Physical Plant (1), Willet Science Center (2).
23. 40 C.F.R. §§ 262.34(c) and 265.173, failure to date, label, and store hazardous waste in securely closed containers and in a centralized accumulation area; 3 total violations, Willet Science Center.
24. 40 C.F.R. § 273.13, failure to handle universal waste in a way that prevents releases of hazardous waste and/or hazardous components into the environment; 9 total violations, including: Engineering Research Center (1), Law School (1), Medical School (2), Patterson Building (1), Tarver Library (1), University Center (1), Willet Science Center (2).
25. 40 C.F.R. § 273.14, failure to mark universal waste; 5 total violations, including: Engineering Research Center (1), Medical School (1), Physical Plant (1), Willet Science Center (2).

26. 40 C.F.R. § 273.15, failure to date of universal waste with accumulation start date; 6 total violations, including: Engineering Research Center (1), Medical School (1), Law School (1), Patterson Building (1), Tarver Library (1), Willet Science Center (2).
27. 40 C.F.R. § 273.16, failure to train personnel responsible for handling and managing universal waste; 3 total violations, including: Law School (2), Engineering Research Center (1).
28. 40 C.F.R. § 273.18, failure to send or take universal waste to an authorized universal waste handler; 1 violation, Medical School.
29. 40 C.F.R. § 279.22(c), failure to label used oil tank with the words "Used Oil;" 1 violation, Engineering Research Center.
30. 40 C.F.R. § 280.21, failure to upgrade existing tank with underground storage tank requirements for spill and overfill prevention; 1 violation, Engineering School.
31. 40 C.F.R. § 280.22, failure to submit notice of existence of underground storage tank system to state; 1 violation, Engineering School.
32. 40 C.F.R. § 280.31(b), failure to inspect underground storage tank system equipped with cathodic protection system at least once every three years; 1 violation, Engineering School.

F. Toxic Substances Control Act, 15 U.S.C. §§ 2601 to 2692.

33. 40 C.F.R. § 745.107, failure to notify lessor of the presence of known lead-based paint and/or lead-based paint hazards in target housing; 3 total violations, Mercer Drive Rental Units.
34. 40 C.F.R. § 745.113, failure to disclose lead based paint to occupants of target housing, including 1 violation, Mercer Drive Rental Unit.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

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| In the Matter of: |) | DOCKET NUMBER: 04-2009-9223 |
| |) | |
| GREENSBORO COLLEGE |) | Proceeding under the |
| 815 W. Market Street |) | Clean Air Act, 42 U.S.C. §§ 7401 to 7671q; |
| Greensboro, North Carolina 27401 |) | Clean Water Act, 33 U.S.C. §§ 1251 to 1387; |
| |) | Resource Conservation and Recovery Act, |
| |) | 42 U.S.C. §§ 6901 to 6992k; and Toxic Substances |
| |) | Control Act, 15 U.S.C. §§ 2601 – 2695 |
| RESPONDENT |) | |
| _____ |) | |

NOTICE OF DETERMINATION

Pursuant to the United States Environmental Protection Agency (EPA) policy on “Incentives for Self-Policing: Discovery, Disclosure, Correction, and Prevention of Violations,” 65 *Fed. Reg.* 19618 (April 11, 2000) (Audit Policy), EPA Region 4 hereby issues this Notice of Determination (NOD) for violations disclosed to the EPA by Greensboro College at its campus located in Greensboro, North Carolina.

AUDIT POLICY

The EPA issued the Audit Policy to encourage regulated entities to conduct voluntary compliance evaluations, and to disclose and promptly correct any discovered violations. Where the disclosing party establishes that it satisfies all nine of the following conditions as set forth in the Audit Policy, the EPA will not seek gravity-based penalties for violations of federal environmental requirements: 1) discovery of the violation(s) through an environmental audit or compliance management system; 2) voluntary disclosure; 3) prompt disclosure; 4) discovery and disclosure independent of government or third-party plaintiff; 5) correction and remediation; 6) prevent recurrence; 7) no repeat violations; 8) other violations excluded; and 9) cooperation. The EPA retains its discretion to recover any economic benefit gained as a result of noncompliance.

AUDIT AGREEMENT

Greensboro College and the EPA entered into an “Audit Agreement By and Between the Association of Independent Colleges and Universities of Region 4, Participating Colleges and The United States Environmental Protection Agency” on June 22, 2007 (Agreement). The Agreement modifies Condition 1 of the Audit Policy by allowing for a trained peer group or a contractor to conduct an initial audit, and allows a subsequent 24-month grace period in which to commence an audit system or Environmental Management System (EMS) to facilitate compliance with applicable environmental laws; and modifies Condition 3 to allow the disclosure to occur within 21 days of Greensboro College’s receipt of its peer audit report.

FINDINGS OF FACT

On July 7, 2009, Greensboro College disclosed to EPA potential violations of the Clean Air Act (CAA), the Clean Water Act (CWA), the Resource Conservation and Recovery Act (RCRA), and the Toxic

ATTACHMENT A
Disclosed Violations Determined to be Federal Violations

The following violations disclosed by Greensboro College are federally enforceable violations:

Clean Air Act (Violation No. 1)

40 C.F.R. § 82.166(k)

Clean Water Act (Violation No. 2-15)

40 C.F.R. § 112.3
40 C.F.R. § 112.7(e)
40 C.F.R. § 112.7(f)
40 C.F.R. § 112.7(k)
40 C.F.R. § 112.12(c)(2)
40 C.F.R. § 403.5

Resource Conservation and Recovery Act and Oil Pollution Act (Violation No. 17-62)

40 C.F.R. § 261.7
40 C.F.R. § 262.7
40 C.F.R. § 262.11
40 C.F.R. § 262.30
40 C.F.R. § 262.31
40 C.F.R. § 262.32
40 C.F.R. § 262.34(c)(1)
40 C.F.R. § 262.34(c)(1)(i)
40 C.F.R. § 262.34(d)
40 C.F.R. § 262.34(d)(4)
40 C.F.R. § 262.34(d)(5)(i)
40 C.F.R. § 262.34(d)(5)(ii)
40 C.F.R. § 262.42(b)
40 C.F.R. § 262.44
40 C.F.R. § 265.37
40 C.F.R. § 265.173(a)
40 C.F.R. § 265.174
40 C.F.R. § 273.11(a)
40 C.F.R. § 273.13(d)(1)
40 C.F.R. § 273.14(a)
40 C.F.R. § 273.14(e)
40 C.F.R. § 273.15(c)
40 C.F.R. § 273.16

Toxic Substances Control Act (Violation No. 63-71)

40 C.F.R. § 745.107(a)(1)
40 C.F.R. § 745.107(a)(2)
40 C.F.R. § 745.107(a)(4)

ATTACHMENT B

Disclosed Violation Determined NOT to be a Federal Violation

The following violation disclosed by Greensboro College is NOT a federal violation:

Federal Insecticide, Fungicide and Rodenticide Act (Violation No. 16)

40 C.F.R. § 156

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

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| In the Matter of: |) | DOCKET NUMBER: 04-2010-9114 |
| |) | |
| PFEIFFER UNIVERSITY |) | Proceeding under the |
| Highway 52 North |) | Clean Water Act, 33 U.S.C. §§ 1251 to 1387; |
| Misenheimer, North Carolina 28109 |) | Resource Conservation and Recovery Act, |
| |) | 42 U.S.C. §§ 6901 to 6992k; Toxic Substances |
| PFEIFFER UNIVERSITY |) | Control Act, 15 U.S.C. §§ 2601 to 2695; and |
| 4701 Park Road |) | Emergency Planning and Community Right-to- |
| Charlotte, North Carolina 28209 |) | Know Act, 42 U.S.C. §§ 11001 to 11050 |
| |) | |
| RESPONDENT |) | |
| |) | |
| |) | |

NOTICE OF DETERMINATION

Pursuant to the United States Environmental Protection Agency (EPA) policy on "Incentives for Self-Policing: Discovery, Disclosure, Correction, and Prevention of Violations," 65 *Fed. Reg.* 19618 (April 11, 2000) (Audit Policy), EPA Region 4 hereby issues this Notice of Determination (NOD) for violations disclosed to the EPA by Pfeiffer University at its campuses located in Charlotte, North Carolina, and Misenheimer, North Carolina.

AUDIT POLICY

The EPA issued the Audit Policy to encourage regulated entities to conduct voluntary compliance evaluations, and to disclose and promptly correct any discovered violations. Where the disclosing party establishes that it satisfies all nine of the following conditions as set forth in the Audit Policy, the EPA will not seek gravity-based penalties for violations of federal environmental requirements: 1) discovery of the violation(s) through an environmental audit or compliance management system; 2) voluntary disclosure; 3) prompt disclosure; 4) discovery and disclosure independent of government or third-party plaintiff; 5) correction and remediation; 6) prevent recurrence; 7) no repeat violations; 8) other violations excluded; and 9) cooperation. The EPA retains its discretion to recover any economic benefit gained as a result of noncompliance.

AUDIT AGREEMENT

Pfeiffer University and the EPA entered into an "Audit Agreement By and Between the Association of Independent Colleges and Universities of Region 4, Participating Colleges and The United States Environmental Protection Agency" on June 22, 2007 (Agreement). The Agreement modifies Condition 1 of the Audit Policy by allowing for a trained peer group or a contractor to conduct an initial audit, and allows a subsequent 24-month grace period in which to commence an audit system or Environmental Management System (EMS) to facilitate compliance with applicable environmental laws; and modifies Condition 3 to allow the disclosure to occur within 21 days of Pfeiffer University's receipt of its peer audit report.

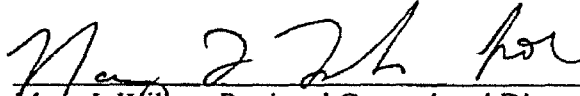
FINDINGS OF FACT

On November 10, 2009, Pfeiffer University disclosed to the EPA potential violations of the Clean Water Act (CWA), the Emergency Planning and Community Right-to-Know Act (EPCRA), the Resource Conservation and Recovery Act (RCRA), and the Toxic Substances Control Act (TSCA). The disclosures determined by the EPA to be violations were corrected by March 18, 2010, following one EPA-approved extension, and are listed in Attachment A. The EPA determined that the disclosure listed in Attachment B was not a violation. Consistent with the purposes of the Audit Policy and the Agreement, the EPA expects Pfeiffer University to institute, on a continuing and campus-wide basis, the internal policies and procedures necessary to prevent recurrence of these violations of environmental requirements.

DETERMINATION

Pursuant to the Audit Policy and Agreement, and based on information provided by Pfeiffer University, the EPA makes the following final determination for the federally-enforceable violations identified in Attachment A: Pfeiffer University did violate the regulations cited in Attachment A; however, Pfeiffer University's disclosure met the conditions of the Audit Policy and Agreement for a waiver of any gravity-based penalties for these violations. In addition, for purposes of this self-disclosure, the EPA has determined that the economic benefit that may have been gained as a result of these violations is insignificant and does not warrant recovery.

10/16/14
Date



Mary J. Wilkes, Regional Counsel and Director
Office of Environmental Accountability
U.S. Environmental Protection Agency, Region 4